

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:25-cv-00126

Stephanie Drewry,
Plaintiff,

v.

Cade Drewry,
Defendant.

ORDER

Plaintiff filed this action in state court asserting a claim of intentional infliction of emotional distress pursuant to state law. Doc. 2. Defendant removed the case to federal court, and plaintiff filed a motion to remand. Docs. 1, 5, 6. The magistrate judge issued an amended report and recommendation that the first amended motion to remand (Doc. 10) be stricken and the corrected motion to remand (Doc. 6) be granted. Doc. 12.


No party filed written objections to the amended report and recommendation, and the time for doing so has passed. When no party objects to the magistrate judge's report, the court reviews the record only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). However, the court will still consider defendant's objections to the first report and recommendation. Doc. 11 (objecting to Doc. 8). The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1).

The magistrate judge concluded that defendant "removed this case to the wrong district and [that] remand is appropriate." Doc. 8 at 3; Doc. 12 at 5. Defendant argues that he "expects that there will be further proceedings in . . . Smith County" state court and that "central issues in the case revolve around" a third party's residence in Smith County. Doc. 9 at 2-4. However, defendant's arguments do not change the patently clear fact that the Eastern

District of Texas does not embrace the 98th Judicial District Court of Travis County. 28 U.S.C. § 1441(a). Therefore, remand is appropriate. *See, e.g., Ratcliff v. Ratcliff*, No. 3:15-cv-01289, 2015 WL 1959060, at *3 (N.D. Tex. Apr. 30, 2015); *Bonton v. Miller*, No. 3:23-cv-00092, 2023 WL 5158947, at *3-7 (M.D. La. July 19, 2023), *report and recommendation adopted*, 2023 WL 5155766 (M.D. La. Aug. 10, 2023).

Having reviewed the magistrate judge's report de novo, and being satisfied that it contains no error, the court accepts its findings and recommendation. The court strikes the first amended motion to remand (Doc. 10), grants the corrected motion to remand (Doc. 6), and remands this matter to the 98th Judicial District Court of Travis County, Texas. Defendant's request for an award of fees is denied.

So ordered by the court on July 3, 2025.



J. CAMPBELL BARKER
United States District Judge